

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AKANIYENE W. ETUK,

Plaintiff,

-v-

BRONXWORKS, et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 4953 (JPC) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On December 30, 2024, pro se Plaintiff Akaniyene Etuk (“Mr. Etuk”) filed his Second Amended Complaint (“SAC”) without leave, prompting the Court to (1) strike the SAC and (2) direct Mr. Etuk to file a motion to amend with a proposed amended complaint by February 11, 2025. (See ECF No. 27). Despite the Court’s clear instruction, Mr. Etuk has now filed a Third Amended Complaint (“TAC”) without moving for leave to amend. (ECF No. 31). Accordingly, the Court CONSTRUES the TAC as a Motion to Amend (“MTA”) filed pursuant to Federal Rule of Civil Procedure 15(a)(2). See Garvey v. Connect Wireless, No. 16 Civ. 1071 (BKS) (DEP), 2016 WL 6952155, at \*1 (N.D.N.Y. Nov. 28, 2016) (construing “second amended complaint . . . as a motion to amend under Rule 15(a)(2) of the Federal Rules of Civil Procedure”). Defendants are directed to file any opposition to the MTA by **Tuesday, February 18, 2025**. Mr. Etuk shall file any reply by **Tuesday, February 25, 2025**. The Court will set deadlines for Defendants to answer or otherwise oppose the operative complaint at the time it rules on the MTA.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Etuk at the address on record.

Dated: New York, New York  
February 3, 2025

  
SARAH L. CAVE  
United States Magistrate Judge